

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2018-30
)	
PAUL GIRARD, SHAQUAN PRENTICE,)	
ROBERT BROWN, WAHILLI JAMES,)	
SHAQUIELLE CORREA, JAMES CRUZ,)	
KAREEM HARRY, TYLER EUGENE,)	
ETHERNEAL SIMON, SHERMYRA GUMBS,)	
WAYNE BELLILLE,)	
)	
Defendants.)	

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United States v. Girard, et al.
Criminal No. 2018-30
Order
Page 2

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United States v. Girard, et al.
Criminal No. 2018-30
Order
Page 3

ORDER

GÓMEZ, J.

For the reasons stated herein, the time to try this case is extended up to and including September 21, 2020.

On March 17, 2020, the Chief Judge of the District Court of the Virgin Islands entered a general order responding to the COVID-19 pandemic. The Chief Judge noted that the pandemic had been declared a national emergency and a public health emergency by the President of the United States. The Chief Judge also noted that the Governor of the Virgin Islands had declared a state of emergency. The Chief Judge found it necessary to "take reasonable and prudent actions" "in order to further public health and safety, and the health and safety of Court personnel, counsel, litigants, other case participants, jurors, persons with other business at the courthouse, and the general public." *Mar. 17, 2020, D.V.I. General Order* at 1-2, <https://www.vid.uscourts.gov/sites/vid/files/general-ordes/CoronaVirusOperationsOrder.pdf>.

Among other precautionary measures, the Chief Judge continued all criminal trials scheduled from March 18, 2020, through April 16, 2020. The Chief Judge found that the ends of justice required excluding March 18, 2020, through April 16, 2020, from the Speedy Trial count in all criminal matters.

United States v. Girard, et al.
Criminal No. 2018-30
Order
Page 4

Such exclusion is necessary as to any cases scheduled for trial during the March 18, 2020[,] through April 16, 2020[,] period in order to assure that there is a full, unhindered, continuously serving jury venire and seated jury in every case, which is central to the sound administration of justice. Such exclusion of time is also necessary in cases that are set for trial outside of the March 18, 2020[,] through April 16, 2020[,] time period, as well as cases that are not yet set for trial, in order to address the reasonably anticipated difficulties in defense counsel communicating or visiting with clients; the difficulties that the parties are likely to face in undertaking all of the tasks necessary to fully prepare for trial; and the inherent delay in the scheduling of further trials as a consequence of the exclusion period herein.

Id. at 2-3.

Since the Chief Judge entered the general order, the crisis in the U.S. Virgin Islands and the United States in general has intensified. On March 17, 2020, there were approximately 7,000 confirmed cases in the United States, 2 of which were in the U.S. Virgin Islands. As of the date of this Order, there are over 770,000 confirmed cases in the United States, 51 of which are in the U.S. Virgin Islands. The virus has claimed over 41,100 lives in the United States, 3 of which are in the U.S. Virgin Islands. The number of cases and deaths continues to rise.

Recognizing the gravity of the situation, Congress passed an unprecedented financial assistance package, the CARES Act, on March 27, 2020. The Act was signed into law by the President of

United States v. Girard, et al.
Criminal No. 2018-30
Order
Page 5

the United States that same day. Among its many provisions, the CARES Act authorizes district courts to use teleconferencing to hold felony pleas and felony sentencings under appropriate circumstances. See CARES Act, § 15002(b)(2), H.R. 748, 248-49.

On April 16, 2020, the Chief Judge entered an order extending the general order in full force and effect through May 12, 2020. That order continued all criminal trials scheduled from April 17, 2020, through May 12, 2020. The Chief Judge found that the ends of justice required excluding April 17, 2020, through May 12, 2020, from the Speedy Trial count in all criminal matters.

On the same day, the United States filed a motion to continue the trial date. The United States asserts that it has been unable to conduct significant portions of its trial preparations due to restrictions on travel and in-person contact related to the COVID-19 pandemic. As such, the United States requests that the Court continue the trial to a date on or after September 8, 2020.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that further extending this period would be in the best interest of justice. In order to avoid overwhelming our healthcare system, it is essential that action be taken to slow

United States v. Girard, et al.
Criminal No. 2018-30
Order
Page 6

the spread of the virus. Social distancing--specifically avoiding gatherings of more than 10 people and maintaining a distance of at least 6 feet from others--is the most effective check against the COVID-19's transmission. Significantly, nine defendants remain set for trial in this matter and the United States expects to call over 100 witnesses. Given the increasingly dire circumstances faced by the U.S. Virgin Islands and the United States as a whole, the Court finds that a greater extension of time is necessary for the protection and well-being of the defendants, the jury, the prosecutors, the witnesses, the court personnel, and the general public at large. Further, given the restrictions caused by the COVID-19 pandemic, the Court finds that a greater extension of time is necessary to allow the parties to properly prepare for trial.

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through September 21, 2020, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the trial in this matter previously scheduled for June 1, 2020, is **RESCHEDULED** to commence promptly at 9:00

United States v. Girard, et al.
Criminal No. 2018-30
Order
Page 7

A.M. on September 21, 2020, in Saint Thomas Courtroom 1; it is further

ORDERED that the omnibus hearing in this matter previously scheduled for May 6, 2020 is hereby **RESCHEDULED** to commence promptly at 9:00 A.M. on July 13, 2020, in Saint Thomas Courtroom 1; it is further

ORDERED that the motions deadline previously set for April 3, 2020, is hereby **EXTENDED** to June 1, 2020; it is further

ORDERED that the parties in this matter shall each be prepared to be available for a trial period extending from September 21, 2020, through October 31, 2020; it is further

ORDERED that the motion of the United States, ECF No. 764, is **MOOT**; and it is further

ORDERED that the motion of Shermyra Gumbs, ECF No. 755, to extend the time to file pretrial motions is **MOOT**.

s_____
Curtis V. Gómez
District Judge